

Topsfield Conservation Commission

Meeting of June 24, 2009

Topsfield Library Meeting Room

With a quorum present, Luther called the meeting to order at 7:08 PM.

Present: Holger Luther, Acting Chair; Jim MacDougall; Mark Erickson; Jennie Merrill

Also Present: Lana Spillman, Administrator; Catherine Tinsley, Minutes Secretary

Not present: Chairman George Hall; Jud Pratt

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

OoC – Order of Conditions

CoC – Certificate of Compliance

BVW – Bordering Vegetated Wetland

BOS – Board of Selectmen

NoI – Notice of Intent

EO – Enforcement Order

HEARINGS:

Continuation, NoI 307-0643: 30 Wildes Road, (Map 8, Lot 5), Iovanella/Wetlands & Land Management, Inc. Request for continuance to July 8, 2009 received June 22, 2009.

Merrill made a motion to continue the hearing for 30 Wildes Road to July 8, 2009 as requested.

MacDougall seconded and the motion carried by unanimous vote.

AOoC 307-0625: 30 Wildes Road/New Meadows Golf Course, (Map 80, Lot 5), Iovanella.

Request for continuance to July 8, 2009 received June 22, 2009.

The proposal is for inclusion of an irrigation suction line replacement in addition to the previously proposed work.

Proof of abutter notification was collected; Merrill read the legal ad.

Revised plans were submitted with the request to amend.

Merrill made a motion to close the hearing and a motion to issue an Amended Order of Conditions referencing the revised plan, under the Act and the Bylaw. Erickson seconded and the motion carried by unanimous vote.

Continuation NoI 307-0629: 12 Boston Street, English Commons at Topsfield, (Map 81, Lot 1), English Commons, LLC – Alan J. Berry/Beals Associates, Inc.

The TCC reviewed a letter from the Salem and Beverly Water Supply Board representative, Charlie Wear of Meridian Engineering, questioning potential reduction in water to the reservoir.

Merrill made a motion to continue the Hearing for 12 Boston Street to July 8, 2009. MacDougall seconded and the motion carried by unanimous vote.

NoI 307-0649: 30 Coppermine Road, (Map 74, Lot 2), Rosselli

With effort from the TCC office, the DEP file number was issued Tuesday.

MacDougall made a motion to close the hearing and to issue an Order of Conditions with Special Conditions under the Act and the Bylaw. Erickson seconded and the motion carried by unanimous vote.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Amended Enforcement Order #4 5/14/2009: 215 Washington Street, (Map 46, Lot 7), Galka – update

The Amended EO was issued Monday, with a Tuesday by noon deadline for submission of the

revised restoration plan. The TCC reviewed the restoration plan submitted by representative Orzel on June 22, noting that the pipes need to be removed and that the trees being removed need to be shown on the plan and the work needs to be done as designed. The proposed naturalized area must not be mowed. It was noted that much of the altered Resource Area is not part of Galka's property. Erickson made a motion to issue an amended EO for 215 Washington Street with the standard conditions including no mowing in the area between the bank and the BVW boundary line indicated on the map plan dated July 19, 2009; PVC piping and dry wall area need to be completed in accordance with the detail sheet and monthly reports are to be submitted and with the project completed and a final inspection by the end of October 2009. The proposed new PVC pipe is to be competed according to the detailed sheet dated June 19, 2009. Merrill seconded and the motion carried by unanimous vote.

Merrill made a motion to ratify the EO as amended. MacDougall seconded and the motion carried by unanimous vote.

Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87), Bear Albright – update
Albright will be sent a summary and reminder.

MEETING MINUTES:

Approve minutes of **April 22, 2009**

MacDougall made a motion to approve the minutes of April 22, 2009. Merrill seconded and the motion was approved by unanimous vote.

REQUESTS:

Continuation CoC 307-0631: 189 Ipswich Road, (Map 20, Lot 58), Masters

Spillman reported on her site visit 6/22/2009, saying that the vegetation is growing sufficiently in the front yard to stabilize the site.

MacDougall made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw for 189 Ipswich Road. Erickson seconded and the motion carried by unanimous vote.

Continuation CoC 307-0433: 131 Haverhill Road, (Maps 2& 5, Lots 10 & 15), Topsfield Beach Association

MacDougall reported that he will give the Association a plan and information for the beach area, including guidelines for nourishment of beaches. He gave them web links for the DEP guidance for beach sand augmentation and the 2004 GEIR (Generic Environmental Impact Report) for Lakes and Ponds management.

The sand was aerated. Alders along the shore are proposed to be trimmed to allow lifeguards to see to the point.

MacDougall suggested that the TCC bring to the attention of the homeowners around Hoods Pond information regarding septic systems and results of using fertilizers (weeds in the pond).

Spillman will contact the Beach Association. She suggested including maintenance in the Continuing Conditions.

Erickson made a motion to continue the CoC to the next meeting, July 8, 2009. Merrill seconded and the motion carried by unanimous vote.

3rd Extension to Amended OoC 307-0452: 14 Arrowhead Drive (Map 32, Lot 31), Carpenito
Present: Erica Carpenito. The project is a new single-family house project on a lot that previously

had a “camp” on it. This would be the third one-year extension.

Merrill made a motion to issue a one-year extension to expire on July 14, 2010 for 14 Arrowhead Drive. Erickson seconded and the motion carried by unanimous vote.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

120 High Street/Hickory Beech Subdivision – requested discussion

With the development of 120 High Street, in compliance with the Bylaw Regulations, R:10-4. e. Buffer Zones 2. (c.), newly formed lots, the Conservation Commission did not grant waivers for activities in Buffer Zones within the Development, with two exceptions (in accordance with the Bylaw Regulations waiver provision):

For the Infrastructure – roads and drainage associated with the roads – with mitigation required.

For Lot 23 only; this lot has mitigation and a separate Order of Conditions.

The Conservation Commission, pointing out that the number of lots and configurations were the choice of the Applicant/his consultants, made it clear to Falzone and his consultants during the hearing process that, in accordance with the Bylaw Regulations for new lots, no additional activities within Buffer Zones should be contemplated.

In the past year or so, Falzone did approach the Commission about cutting some mature trees at/near the Buffer Zone boundaries that are overhanging properties or may be close to proposed structures. Although the Commission did discuss some selective tree trimming and cutting at/near the outer Buffer Zone boundaries, no formal application was made to the Commission and this subject never went further than discussion.

Mr. Falzone is seeking approval from the Conservation Commission to perform certain activities in Buffer Zones on the lots that do not have separate Orders of Conditions and for which no waivers for work in Buffer Zones were granted.

Mr. Falzone did not appear.

Continuation OoC 307-0627: 35 Main Street, (Map 41, Lot 34), DiBlasi/Graham Associate, Inc – discussion

Present: Gerard McDonald; Engineer; Silvana and Jim DiBlasi

McDonald reviewed that there are three separate stormwater systems, with a drip edge for the rear of the refurbished barn; front of the barn in the parking area for front of the barn and house. The basin impacted is the one on the south side at the property line where all the runoff from pavement is directed in this area by grading. Calculations were done with porous pavement.

McDonald reviewed information exchanged with the previous Commission, when he originally came before the TCC. Spillman noted concerns of the previous Commission. The sealing process for the asphalt was discussed with the applicant saying he would prefer to seal the pavement; runoff is pitching to the basin, there is no backup or flooding. There is a little infiltration/detention basin instead of the originally proposed rain garden.

Silvana explained that the plantings that would have gone in the rain garden now are going to the back. The TCC agreed to allow the paving and the applicant would need to file a request to amend the OoC after the fact to allow asphalt instead of pervious pavement.

The plan was sketch-revised and signed by the TCC who advised the applicant to file an after-the-fact request to amend the original OoC and plan.

Erickson made a motion that the TCC allow the plan called NOI prepared for J S D by Graham Associates dated June 25, 2008 to be modified to remove no 7 as listed "under noted specific" on the plan to include that pavement be allowed to be asphalt in nature and to be sealed. Discussion of understanding followed and the TCC "red lined" the plan and signed it. Merrill seconded and the motion was approved by unanimous vote.

Continuation End of Gail Street Drainage, Mercier-Link

The DEP suggested a RDA for control of the erosion would be appropriate. The filing forms were sent to Dave Bond.

Erickson had called and talked to the people at Maccaferri. He reviewed his suggested use of a combination of mattresses and steps with gabion baskets to support the sections, like a cascading waterfall. These will eventually vegetate themselves. Bond will be asked to start the filing process.

ADMINISTRATOR'S REPORT:

Rules for Conservation Properties

MacDougall made a motion to adopt the rules as written. Erickson seconded and the motion carried by unanimous vote.

The rules will be published.

Opportunities for Volunteers

Spillman reported that she recently talked with some citizens who are enthusiastic about assisting the Conservation Commission, but not able or interested in spending the time necessary to be on the Commission. She suggested adding a provision for Associate/non-voting members under the Wetlands Bylaw is a formal way to encourage citizens who would do "special projects" for the Commission.

MacDougall had some suggestions of vernal pools to be certified – with permission, on MA Audubon property, behind Steward School, next to 57 Candlewood Drive.

There was no **Executive Session**.

8:24PM Selectman Dick Gandt arrived

Mr. Gandt updated the TCC about the recent meeting of the BOS with the Highway Department to keep the communication open. Mr. Gandt reported that there is no long-term plan for drainage and he is encouraging such a process of identifying drainage systems that have problems, estimating for proactive work to resolve drainage issues.

TCC commented that Dave Bond has been encouraged to fill out a RDA for the Gail Street project; he has the paperwork.

8:40 PM - Merrill made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

Accepted at the TCC meeting on November 17, 2010

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.
